

LAW OFFICES OF GEORGE W. NOWELL  
120 Montgomery Street, Suite 1990  
San Francisco, CA 94104  
Phone: (415) 362-1333 Fax: (415) 362-1344

GEORGE W. NOWELL, SBN: 83868  
PAUL B. ARENAS, SBN: 167863  
JOHN H. CIGAVIC III, SBN 231806  
LAW OFFICES OF GEORGE W. NOWELL  
120 Montgomery Street, Suite 1990  
San Francisco, CA 94104  
Telephone: (415) 362-1333  
Facsimile: (415) 362-1344  
**Attorneys for Defendant/Appellant/Cross-Appellees:**  
BAX GLOBAL INC.

DAVID M. SALENTINE, SBN: 92313  
456 California Street, Suite 400  
San Francisco, California 94104  
Telephone: (415) 982-1325  
Facsimile: (415) 982-1923  
**Attorney for Plaintiffs/Appellees/Cross-Appellants**  
THE NISSAN FIRE AND MARINE INSURANCE  
COMPANY, LTD., AND HITACHI DATA  
SYSTEMS CORP.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
(SAN FRANCISCO DIVISION)**

THE NISSAN FIRE AND MARINE	)	CASE NO.: . C 02-02516 JSW
INSURANCE COMPANY, LTD., AND	)	
HITACHI DATA SYSTEMS CORP.,	)	<b>STIPULATION AND [PROPOSED]</b>
	)	<b>ORDER RE STAY OF EXECUTION</b>
Plaintiffs/Appellee,	)	<b>OF JUDGMENT AND APPROVAL OF</b>
v.	)	<b>AMOUNT OF SUPERSEDEAS BOND</b>
	)	
BAX GLOBAL INC., AND CATHAY	)	FRCP 62(d)
PACIFIC AIRWAYS, LTD.,	)	
	)	
Defendants/Appellant.	)	
	)	

**RECITATIONS**

WHEREAS the Court enter judgment in this lawsuit on May 11, 2006 in favor of  
plaintiffs THE NISSAN FIRE AND MARINE INSURANCE COMPANY, LTD., AND  
HITACHI DATA SYSTEMS CORP (collectively “plaintiffs” or “HITACHI”) against Defendant  
BAX GLOBAL INC. (“Defendant” or “BAX”) in the amount of \$156,184.17 (the “judgment”).

WHEREAS plaintiffs’ bill of costs has been submitted in the amount of \$1,657.57;

WHEREAS the Court has denied plaintiffs’ requests for attorneys fees in its Findings of

P0615.2006-1451

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Dated: June 19, 2006

**DAVID M. SALENTINE, ESQ.**

By: \_\_\_\_\_/S/  
DAVID M. SALENTINE  
Attorneys for Plaintiffs  
THE NISSAN FIRE AND MARINE INSURANCE  
COMPANY, LTD., AND HITACHI DATA  
SYSTEMS CORP.

**ORDER**

THE FOREGOING STIPULATION  
IS APPROVED AND IS SO ORDERED.

DATED: June 21, 2006

  
\_\_\_\_\_  
Hon. Jeffrey S. White  
UNITED STATES DISTRICT COURT JUDGE

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120 Montgomery Street, Suite 1990  
San Francisco, CA 94104  
Phone: (415) 362-1333 Fax: (415) 362-1344

**EXHIBIT A**

P0612.2006-1451

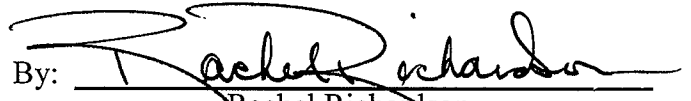
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San Francisco, CA 94104  
Phone: (415) 362-1333 Fax: (415) 362-1344

undersigned NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA, a corporation organized and existing under and by virtue of the laws of the State of New York and authorized to transact a surety business in the State of California (ND Cal. LR 65.1-1(b)(2)), does hereby undertake and obligate itself, its successors and assigns, to plaintiffs THE NISSAN FIRE AND MARINE INSURANCE COMPANY, LTD., AND HITACHI DATA SYSTEMS CORP. in the sum of ONE HUNDRED NINETY-SEVEN THOUSAND DOLLARS (\$197,000.00), being at least one and a quarter (1.25) times the amount named in said judgment of \$156,184.17 and costs of \$1,657.57 rounded to the nearest thousand.

IN WITNESS WHEREOF, the corporate seal and name of said Surety Company is hereto affixed and attested by Rachel Richardson, Esq., who declares under penalty of perjury under the laws of the State of California and of the United States that she is a duly authorized Attorney in Fact acting under an unrevoked power of attorney, a copy of which is attached hereto.

Executed at 8144 Walnut Hill Lane, Suite 1600, Dallas, Texas 75231 on this 16th day of June, 2006.

**NATIONAL UNION FIRE INSURANCE  
COMPANY OF PITTSBURGH, PA**

By:   
Rachel Richardson  
Its: Attorney in Fact

**American Home Assurance Company**  
**National Union Fire Insurance Company of Pittsburgh, Pa.**

Principal Bond Office: 175 Water Street, New York, NY 10038

**POWER OF ATTORNEY**

No. 09-E-1038026

**KNOW ALL MEN BY THESE PRESENTS:**

That American Home Assurance Company, a New York corporation, and National Union Fire Insurance Company of Pittsburgh, Pa., a Pennsylvania corporation, does each hereby appoint

--- Rachel Richardson of Dallas, Texas ---

its true and lawful Attorney(s)-in-Fact, with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business, and to bind the respective company thereby.

**IN WITNESS WHEREOF**, American Home Assurance Company and National Union Fire Insurance Company of Pittsburgh, Pa. have each executed these presents



this 3<sup>rd</sup> day of June, 2005.

*Vincent P. Forte*  
 Vincent P. Forte, Vice President

STATE OF NEW YORK }  
 COUNTY OF NEW YORK } ss.

On this 3<sup>rd</sup> day of June, 2005 before me came the above named officer of American Home Assurance Company and National Union Fire Insurance Company of Pittsburgh, Pa., to me personally known to be the individual and officer described herein, and acknowledged that he executed the foregoing instrument and affixed the seals of said corporations thereto by authority of his office.

*Juliana E. Hallenbeck*  
 JULIANA E. HALLENBECK  
 NOTARY PUBLIC, STATE OF NEW YORK  
 No. 01HA6125671  
 QUALIFIED IN BRONX COUNTY  
 MY COMMISSION EXPIRES APRIL 18, 2009

**CERTIFICATE**

Excerpts of Resolutions adopted by the Boards of Directors of American Home Assurance Company and National Union Fire Insurance Company of Pittsburgh, Pa. on May 18, 1976:

"**RESOLVED**, that the Chairman of the Board, the President, or any Vice President be, and hereby is, authorized to appoint Attorneys-in-Fact to represent and act for and on behalf of the Company to execute bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, and to attach thereto the corporate seal of the Company, in the transaction of its surety business;

"**RESOLVED**, that the signatures and attestations of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company when so affixed with respect to any bond, undertaking, recognizance or other contract of indemnity or writing obligatory in the nature thereof;

"**RESOLVED**, that any such Attorney-in-Fact delivering a secretarial certification that the foregoing resolutions still be in effect may insert in such certification the date thereof, said date to be not later than the date of delivery thereof by such Attorney-in-Fact."

I, Elizabeth M. Tuck, Secretary of American Home Assurance Company and of National Union Fire Insurance Company of Pittsburgh, Pa. do hereby certify that the foregoing excerpts of Resolutions adopted by the Boards of Directors of these corporations, and the Powers of Attorney issued pursuant thereto, are true and correct, and that both the Resolutions and the Powers of Attorney are in full force and effect.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the facsimile seal of each corporation



this 16th day of June, 2006

*Elizabeth M. Tuck*  
 Elizabeth M. Tuck, Secretary